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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,726	12/10/2003	William T. Ball	5564-152	2017
22442	7590	08/20/2008		
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			EXAMINER FETSUGA, ROBERT M	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 08/20/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10732726	12/10/2003	BALL, WILLIAM T.	5564-152

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ART UNIT	PAPER
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3751	20080804
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Commissioner for Patents

SUPPLEMENTAL EXAMINER'S ANSWER

The Reply Brief filed July 30, 2008 presents an argument at pages 5-6 thereof that the examiner should have questioned appellant's filing date benefit claim earlier in prosecution. However, the Oropallo reference was first cited against the claims in this CIP application in the Office action mailed October 24, 2005 (note paragraph "8"). Appellant did not attempt to rely upon a filing date benefit based upon application 09/593,724 until a Reply Brief was filed March 17, 2008. An examiner is not required to critique a CIP application for compliance with the disclosure requirement. See MPEP 201.08. Lastly, the "Petition to Revive" included with the instant reply brief appears improper at this stage of prosecution.

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